

Calendar No. 1368

77TH CONGRESS }
2d Session }

SENATE

} REPORT
No. 1326

FRED FARNER AND DORIS M. SCHROEDER

MAY 14, 1942.—Ordered to be printed

Mr. ROSIER, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 6748]

The Committee on Claims, to whom was referred the bill (H. R. 6748) for the relief of Fred Farner and Doris M. Schroeder, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts are fully set forth in House Report No. 1930, Seventy-seventh Congress, second session, which is appended hereto and made a part of this report.

[H. Rept. No. 1930, 77th Cong., 2d sess.]

The Committee on Claims, to whom was referred the bill (H. R. 6748) for the relief of Fred Farner and Doris M. Schroeder, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

The purpose of the proposed legislation is to pay to Fred Farner the sum of \$3,000 and to Doris M. Schroeder the sum of \$3,000 for personal injuries sustained on August 29, 1940.

H. R. 3141 (77th Cong., 1st sess.), for the relief of Fred Farner and Doris M. Schroeder, was vetoed by the President on March 5, 1942, for the reason that—

“If the bill would have provided for a total payment of an amount not exceeding \$3,000, instead of \$5,000, to the guardian of Doris Schroeder, and thereby in effect awarding not more than the sum of \$1,500 for pain and suffering, it would have appeared unobjectionable.”

As the bill (H. R. 6748) meets the objection of the President, your committee recommends that the bill do pass.

Appended hereto is House Report No. 1163 (77th Cong., 1st sess.) to accompany H. R. 3141, together with House Document No. 644 (77th Cong., 2d sess.), which is made a part of this report.

[H. Rept. No. 1163, 77th Cong., 1st sess.]

The Committee on Claims, to whom was referred the bill (H. R. 3141) for the relief of Fred Farner and Ernest Schroeder, having considered the same, report favorably thereon with an amendment and recommend that the bill, as amended, do pass.

The amendment is as follows:

Line 1, beginning with the figure "\$10,000", strike out the remainder of the bill, and add: "\$5,000 for the death of his daughter, Barbara Frances Farner, a minor, who was killed on August 29, 1940, and to Ernest Schroeder, of Prairie, Illinois, the sum of \$5,000 for personal injuries sustained by his daughter, Doris M. Schroeder, on August 29, 1940, in full settlement of all claims against the United States, when they were struck while standing on a sidewalk in Half Day, Illinois, by a United States Government ambulance driven by an enrollee of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

Amend the title so as to read: "A bill for the relief of Fred Farner and Ernest Schroeder."

The purpose of the proposed legislation is to pay the sum of \$5,000 to Fred Farner, of Prairie View, Ill., for the death of his daughter, Barbara Frances Farner, a minor, who was killed on August 29, 1940, and the sum of \$5,000 to Ernest Schroeder, of Prairie View, Ill., for personal injuries sustained by his daughter, Doris M. Schroeder, on August 29, 1940, in full settlement of all claims against the United States, when they were struck while standing on a sidewalk in Half Day, Ill., by a United States Government ambulance driven by an enrollee of the Civilian Conservation Corps.

STATEMENT OF FACTS

On August 29, 1940, a Civilian Conservation Corps ambulance was dispatched on competent authority from Camp Elmwood SCS-11 (Ill.), Elmwood, Ill., to transport a patient, a Civilian Conservation Corps enrollee, to the station hospital, Fort Sheridan, Ill., for hospitalization. At about 3:15 p. m., while proceeding north on United States Highway No. 45, the ambulance approached the intersection of said highway and Route No. 22 at Half Day, Ill., at a speed of from 25 to 30 miles per hour. The weather was clear and the roadway dry and paved with concrete. At the said intersection the driver of the ambulance turned to the right onto Route No. 22, which intersects United States Highway No. 45 in such a manner as to form an obtuse angle of about 110° or 115° for a driver proceeding northward and turning in an easterly direction onto Route 22. Route 22 crosses Indian Creek just east of United States Highway No. 45 and at a point adjacent thereto on a reinforced concrete bridge approximately 108 feet long. On each side of the bridge there is a sidewalk 4 feet wide and beyond the sidewalk a concrete wall 3 feet 7½ inches high. The intersection is controlled by traffic lights and when the Government driver approached, the light was green for north-bound traffic and he, therefore, made the turn without stopping, and, apparently without greatly reducing his speed. While making the turn the driver saw two boys on one bicycle approaching him from the east on the left side of the bridge (for the Government driver) and approximately 50 feet ahead of his vehicle, and at the same time turning left directly across his path. He thereupon swerved his ambulance to the left to avoid striking the two boys. On the left side of the bridge (for the Government driver) and at a point just beyond the middle of the bridge three girls were standing, either on or near the sidewalk and on or beside their bicycles, at a distance of about 50 feet from where the driver first sighted the boys, namely, Barbara Farner, aged 10; Doris Schroeder, aged 11, and Eleanor Farner, aged 10. Eleanor Farner saw the ambulance approaching and ran across to the south side of the bridge out of its way. The ambulance struck the other two girls, Barbara Farner and Doris Schroeder, fatally injuring the former and seriously injuring the latter. The two girls were carried or thrown about 30 feet and left lying on the edge of the pavement and shoulder of the road at or near the east end of the bridge. The driver stopped the ambulance just beyond this point, got out, and examined the two girls and asked where the nearest doctor could be found. Upon the advice and assistance of bystanders, he placed the two girls in the ambulance and started for the Elizabeth Condell Memorial Hospital, Libertyville, Ill., 6 miles north of Half Day, first breaking the seal on

the governor, so that he might be able to get them there more quickly. En route he met a private ambulance which had been summoned, and Barbara Farner was transferred thereto and rushed to the hospital at Libertyville, where she was pronounced dead. The Government ambulance continued on to Libertyville with Doris Schroeder, who was found to be very seriously injured.

During the investigation of the accident the Government driver testified that as he approached the intersection the traffic light had turned green and that he proceeded to turn right onto route 22; that the two boys on a bicycle swerved directly in front of him; that he immediately turned to the left to avoid striking them; that there was a girl standing on the sidewalk of the bridge and he swerved to the right to avoid striking her, and then saw two girls in front of him, and became paralyzed with fear and could not move at all. He further testified that on seeing the boys on the bicycle he did not attempt to stop his vehicle, but tried to turn out of their way, and that, upon seeing the girls, tried to avoid them by turning to the right; and that he did not know whether he tried to stop then or not. In reply to a question as to whether he thought he could have stopped the ambulance within a reasonable distance, say, 30 to 40 feet, he replied that he could, but that he was stricken with fear and lost his head. His patient, the Civilian Conservation Corps enrollee, who was riding with him on the front seat, corroborated the driver's testimony as to the manner in which the accident occurred, and when asked whether he thought the accident could have been avoided, replied that he did not think it could.

Doris Schroeder sustained, as the result of the accident, traumatic shock, skull fracture, compound fracture of the left humerus, multiple contusions and abrasions of entire body and deep laceration of the left groin. Doris Schroeder stayed in the hospital from August 29 to October 3, 1940. She has lost her smell and taste for certain foods, which does not seem to improve, and she has not completely regained her strength to the extent that she can go to school. At the present time she has been advised to stay at home and rest a certain period of each day. Complete recovery is still in doubt.

The War Department in their reports to your committee recommends favorable consideration of the claims of Fred Farner and Ernest Schroeder. Your committee accordingly recommend favorable consideration of the proposed legislation and feel that both claimants should be compensated in the sum of \$5,000 each.

Appended hereto and made a part of this report are the reports of the War Department, together with other pertinent papers.

WAR DEPARTMENT,
Washington, May 20, 1941.

HON. DAN R. McGEHEE,
*Chairman, Committee on Claims,
House of Representatives, Washington, D. C.*

DEAR MR. McGEHEE: The War Department will interpose no objection to the enactment of H. R. 3141, Seventy-seventh Congress.

The purpose of the proposed legislation is to pay to Fred Farner, Prairie View, Ill., the sum of \$10,000 in full settlement of all claims against the United States arising out of the death of his minor daughter, Barbara Frances Farner, who was killed at Half Day, Ill., on August 29, 1940, when struck by a Government ambulance operated in connection with the Civilian Conservation Corps.

On August 29, 1940, a Civilian Conservation Corps ambulance was dispatched on competent authority from Camp Elmwood SCS-11 (Ill.), Elmwood, Ill., to transport a patient, a Civilian Conservation Corps enrollee, to the station hospital, Fort Sheridan, Ill., for hospitalization. At about 3:15 p. m., while proceeding north on United States Highway No. 45, the ambulance approached the intersection of said highway and Route No. 22, at Half Day, Ill., at a speed of from 25 to 30 miles per hour. The weather was clear and the roadway dry and paved with concrete. At the said intersection the driver of the ambulance turned to the right onto Route No. 22, which intersects United States Highway No. 45 in such a manner as to form an obtuse angle of about 110° or 115° for a driver proceeding northward and turning in an easterly direction onto Route No. 22. Route No. 22 crosses Indian Creek just east of United States Highway No. 45 and at a point adjacent thereto on a reinforced concrete bridge approximately

108 feet long. On each side of the bridge there is a sidewalk 4 feet wide and beyond the sidewalk a concrete wall 3 feet 7½ inches high. The intersection is controlled by traffic lights and when the Government driver approached the light was green for north-bound traffic and he, therefore, made the turn without stopping, and, apparently, without greatly reducing his speed. While making the turn, the driver saw two boys on one bicycle approaching him from the east on the left side of the bridge (for the Government driver) and approximately 50 feet ahead of his vehicle, and at the same time turning left directly across his path. He thereupon swerved the ambulance to the left to avoid striking the two boys. On the left side of the bridge (for the Government driver) and at a point just beyond the middle of the bridge three girls were standing, either on or near the sidewalk and on or beside their bicycles, and at a distance of about 50 feet from where the driver first sighted the boys, namely, Barbara Farner, aged 10, Doris Schroeder, aged 11, and Eleanor Farner, aged 10. Eleanor Farner saw the ambulance approaching and ran across to the south side of the bridge, out of its way. The ambulance struck the other two girls, Barbara Farner and Doris Schroeder, fatally injuring the former and seriously injuring the latter. The two girls were carried or thrown about 30 feet and left lying on the edge of the pavement and shoulder of the road at or near the east end of the bridge. The driver stopped the ambulance just beyond this point, got out and examined the two girls, asked where the nearest doctor could be found, and then, upon the advice of bystanders and with their assistance, placed the girls in the ambulance and started for the Elizabeth Condell Memorial Hospital, Libertyville, Ill., 6 miles north of Half Day, first breaking the seal on the governor, so that he might be able to get them there more quickly. En route he met a private ambulance which had been summoned, and Barbara Farner was transferred thereto and rushed to the hospital at Libertyville, where she was pronounced dead. The Government ambulance continued on to Libertyville with Doris Schroeder, who was found to be very seriously injured.

The Government driver was then taken into custody by the police, and at the coroner's inquest held on September 26, 1940, at Libertyville, Ill., he was held over for action by the grand jury of Lake County, Ill., on a charge of manslaughter. At the convening of the grand jury, at Waukegan, Ill., on October 7, 1940, the Government driver was indicted for reckless driving and bound over to the circuit court for trial on the same charge. The War Department is in receipt of recent advice that the criminal charges against him are set for trial in the State court of Illinois on May 26, 1941.

During the course of the investigation that was made of the accident, the Government driver testified that as he approached the intersection, the traffic light was green and that he proceeded to turn right onto Route No. 22, that the two boys on a bicycle swerved directly in front of him, and that he immediately turned to the left to avoid striking them, that there was a girl standing on the sidewalk of the bridge and that he swerved to the right to avoid striking her, and then saw two girls in front of him, and became paralyzed with fear and could not move at all. He further testified that on seeing the boys on the bicycle he did not attempt to stop his vehicle, but tried to turn out of their way, and that upon seeing the girls, he tried to avoid them by turning to the right, and that he did not know whether he tried to stop then or not. He testified that he thought he was traveling at about 25 or 30 miles per hour when he approached the traffic signal. In reply to a question as to whether he thought he could have stopped the ambulance within a reasonable distance, say, 30 to 40 feet, he replied that he could, but that he was stricken with fear and lost his head. His patient, the Civilian Conservation Corps enrollee, who was riding with him on the front seat, corroborated the driver's testimony as to the manner in which the accident occurred, and when asked whether he thought the accident could have been avoided, replied that he did not think it could. "It all happened so fast and was caused by these two boys on a bicycle."

Before the trip in question, the ambulance was inspected by the motor transportation officer at Camp Galesburg, SCS-13 (Ill.), Galesburg, Ill., and found to be in good, serviceable condition with the exception of the battery's being low. Upon examination after the accident, the steering gear and brakes appeared to be somewhat defective, but this condition may have resulted from the ambulance's running up onto the sidewalk, since there were indications that it had struck the concrete railing of the bridge on the north side and that the left wheels had run along the walk.

The investigating officer found that the accident was the result of failure on the part of the driver to exercise proper and complete control of his vehicle when making the turn.

No claim has been filed with the War Department growing out of this accident. It is the view of the War Department that the evidence adduced in this case establishes the fact that the accident was proximately caused by reason of failure on the part of the Government driver to maintain proper control of his vehicle when rounding the curve and to reduce his speed immediately upon sighting the children in front of him.

Therefore, as above stated, the Department, while not prepared to pass upon the exact amount that should be allowed Mr. Farner under the circumstances, will interpose no objection to legislation compensating him for the death of his daughter in such amount as the Congress may deem proper.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

LIBERTYVILLE, ILL., March 14, 1941.

This is to certify that I examined Barbara Farner at the Cordell Memorial Hospital at Libertyville, Ill., on August 29, 1940, at 3:30 p. m., and found that she was dead at this time.

C. O. EDWARDS.

Sworn to before me on March 18, 1941.

[SEAL]

JOSEPH V. MURPHY, *Notary Public.*

OFFICE OF CORONER, COUNTY OF LAKE,
Libertyville, Ill., March 14, 1941.

To Whom It May Concern:

This is to certify that I examined Barbara Farner on August 29, 1940, and at that time she was dead. She was brought to the Condell Memorial Hospital, Libertyville, and I found she had a fractured skull, fractured jaw, and crushing injuries to the chest wall.

As coroner of Lake County, I held an inquest on her body on September 20, 1940.

JOHN L. TAYLOR, M. D.

Sworn to before me this 14th day of March 1941.

[SEAL]

MARGARET M. FOOTE, *Notary Public.*

STATE OF ILLINOIS,
County of Cook, ss:

Fred Farner and Eleanore Farner, being first duly sworn, on oath, depose and say:

That we reside at Prairie View, Lake County, Ill.; that we are the parents of Barbara Frances Farner, who was killed in the hereinafter described accident; that she was born on February 1, 1930, and was 10½ years at the time of said accident; that on August 29, 1940, Barbara Frances in the company of her cousin, Eleanore Farner, left our home about 1:15 o'clock in the afternoon riding their bicycles, intending to go to the Half Day Grammar School to see their school principal in order to get slips for their new school books for the coming year. That they called for Doris M. Schroeder at her home; that Doris M. Schroeder, Peggy Courtney, and Eleanore Farner accompanied Barbara to the Half Day Grammar School where they conversed with Richard Whitacre, the school principal, got the list of new school books and returned to the Schroeder home. That Peggy Courtney remained at the Schroeder home and Barbara, Doris M. Schroeder and Eleanore Farner proceeded north to the bridge over the Indian Creek and were standing on the sidewalk when they were struck by a United States Army ambulance No. 5588 driven by one Frank Stodnick, who was driving said ambulance at the intersection of U. S. Highway No. 45 and State Highway 22 at Half Day, Ill.

That prior to the accident, our daughter, Barbara Frances Farner, was in the fifth grade at Half Day Grammar School; was an industrious and brilliant student and was in perfect health at the time of the aforesaid accident.

Affiants further depose and say that this affidavit is made as supporting evidence of House bill No. 3141, presented on February 6, 1941, and which was referred to the Committee on Claims for consideration and settlement of all claims against

the United States Government for the death of Barbara Frances Farner, minor daughter of affiants, by reason of aforesaid accident.

FRED FARNER,
ELEANORE FARNER.

Subscribed and sworn to before me this 25th day of March A. D. 1941.

[SEAL]

ARNETTA CHALLAUS,
Notary Public.

My commission expires March 9, 1943.

STATE OF ILLINOIS,
County of Cook, ss:

Eleanore Farner, being first duly sworn, on oath, deposes and states:

That I live in Prairie View, Ill.; that I am 12 years of age, and that I am a cousin of Barbara Frances Farner, who was killed in the accident hereinafter more fully described.

That on August 29, 1940, around 1:30 o'clock in the afternoon, Barbara F. Farner and I rode on our bicycles to Doris M. Schroeder's home and from there Barbara, Doris, Peggy Courtney, and myself rode down to the school yard at Half Day, spoke to Mr. Richard Whitacre, the school principal, obtained a list of our new school books, and rode back to Doris M. Schroeder's home; it was about 2:45 at the time. We drank some orangeade there, and then around 3 o'clock p. m. Barbara F. Farner, Doris M. Schroeder, and myself went over to the bridge over the Indian Creek waiting for Doris to fix her tire, which was rubbing against the front fender of her bicycle. We were standing on the sidewalk over the bridge when I looked back and saw a huge truck or ambulance coming toward the sidewalk where we were standing. I ran away from it and darted across the street in a southerly direction; when I looked back, I saw this ambulance up on the sidewalk just about to strike the girls. I then ran over to the Schroeder home to tell them that Doris and Barbara were under a big truck and that something terrible had happened. I met Mrs. Schroeder, Doris' mother, at the entrance of their home and told her what happened. I then telephoned my mother, Mrs. Edward Farner, and told her of the accident and she came and called for me at the Schroeder's home.

That prior to the accident Richard Sibley and Irving Jacobsen, riding on one bicycle, came down the road and were coming toward us; they were on the left side and near the shoulder of the road; they spoke to us. I did not hear any horn blowing at the time I saw this ambulance going at a fast rate of speed and knew it was going too fast to make the turn at the intersection of US 45 and State Highway 22, as I am familiar with the handling of an automobile having driven a car in the company of my parents for the past 2 years.

ELEANOR FARNER.

Subscribed and sworn to before me this 25th day of March, A. D. 1941.

[SEAL]

ARNETTA CHALLANS, Notary Public.

My commission expires March 9, 1943.

SEGUIN AND LOGAN FUNERAL HOME

HIGHLAND PARK, ILL., August 31, 1940.

FRED FARNER, *Prairie View, Ill.*

Funeral of Barbara Farner:

Date: Aug. 31, 1940.

Casket.....	\$135. 00
Cement vault.....	45. 00
Sales tax on same.....	5. 00
Services and hearse.....	65. 00
Paid to Mr. Osborn.....	12. 50
Certified copy of certificate.....	. 50
Flower car.....	18. 00
Total.....	281. 00

WAR DEPARTMENT,
Washington, May 20, 1941.

HON. DAN R. MCGEEHEE,
*Chairman, Committee on Claims,
House of Representatives, Washington, D. C.*

DEAR MR. MCGEEHEE: The War Department will interpose no objection to the enactment of H. R. 3142, Seventy-seventh Congress.

The purpose of the proposed legislation is to pay to Ernest Schroeder, of Prairie View, Ill., the sum of \$6,000 in full settlement of all claims against the United States arising out of personal injuries sustained by his minor daughter, Doris M. Schroeder, at Half Day, Ill., on August 29, 1940, when struck by a Government ambulance operated in connection with the Civilian Conservation Corps.

On August 29, 1940, a Civilian Conservation Corps ambulance was dispatched on competent authority from Camp Elmwood SCS-11 (Ill.), Elmwood, Ill., to transport a patient, a Civilian Conservation Corps enrollee, to the station hospital Fort Sheridan, Ill., for hospitalization. At about 3:15 p. m., while proceeding north on United States Highway No. 45, the ambulance approached the intersection of said highway and Route No. 22, at Half Day, Ill., at a speed of from 25 to 30 miles per hour. The weather was clear and the roadway dry and paved with concrete. At the said intersection the driver of the ambulance turned to the right onto Route No. 22, which intersects United States Highway No. 45 in such a manner as to form an obtuse angle of about 110° or 115° for a driver proceeding northward and turning in an easterly direction onto Route No. 22. Route No. 22 crosses Indian Creek just east of United States Highway No. 45 and at a point adjacent thereto on a reinforced concrete bridge approximately 108 feet long. On each side of the bridge there is a sidewalk 4 feet wide and beyond the sidewalk a concrete wall 3 feet 7½ inches high. The intersection is controlled by traffic lights and when the Government driver approached the light was green for north-bound traffic and he, therefore, made the turn without stopping, and, apparently, without greatly reducing his speed. While making the turn, the driver saw two boys on one bicycle approaching him from the east on the left side of the bridge (for the Government driver) and approximately 50 feet ahead of his vehicle, and at the same time turning left directly across his path. He thereupon swerved the ambulance to the left to avoid striking the two boys. On the left side of the bridge (for the Government driver) and at a point just beyond the middle of the bridge three girls were standing, either on or near the sidewalk and on or beside their bicycles, and at a distance of about 50 feet from where the driver first sighted the boys, namely, Barbara Farner, age 10, Doris Schroeder, age 11, and Eleanor Farner, age 10. Eleanor Farner saw the ambulance approaching and ran across to the south side of the bridge, out of its way. The ambulance struck the other two girls, Barbara Farner and Doris Schroeder, fatally injuring the former and seriously injuring the latter. The two girls were carried or thrown about 30 feet and left lying on the edge of the pavement and shoulder of the road at or near the east end of the bridge. The driver stopped the ambulance just beyond this point, got out and examined the two girls, asked where the nearest doctor could be found, and then, upon the advice of bystanders and with their assistance, placed the girls in the ambulance and started for the Elizabeth Condell Memorial Hospital, Libertyville, Ill., 6 miles north of Half Day, first breaking the seal on the governor, so that he might be able to get them there more quickly. En route he met a private ambulance which had been summoned, and Barbara Farner was transferred thereto and rushed to the hospital at Libertyville, where she was pronounced dead. The Government ambulance continued on to Libertyville with Doris Schroeder, who was found to be very seriously injured, having sustained a compound fracture of the left arm, cut left groin, and multiple body burns. Further or more complete details with respect to her injuries are not of record in the War Department.

The Government driver was then taken into custody by the police, and at the coroner's inquest held on September 26, 1940, at Libertyville, Ill., he was held over for action by the grand jury of Lake County, Ill., on a charge of manslaughter. At the convening of the grand jury, at Waukegan, Ill., on October 7, 1940, the Government driver was indicted for reckless driving and bound over to the circuit court for trial on the same charge. The War Department is in receipt of recent advice that the criminal charges against him are set for trial in the State court of Illinois on May 26, 1941.

During the course of the investigation that was made of the accident, the Government driver testified that as he approached the intersection the traffic

light was green and that he proceeded to turn right onto route No. 22; that the two boys on a bicycle swerved directly in front of him, and that he immediately turned to the left to avoid striking them; that there was a girl standing on the sidewalk of the bridge and that he swerved to the right to avoid striking her, and then saw two girls in front of him, and became paralyzed with fear and could not move at all. He further testified that on seeing the boys on the bicycle he did not attempt to stop his vehicle, but tried to turn out of their way, and that upon seeing the girls he tried to avoid them by turning to the right; and that he did not know whether he tried to stop then or not. He testified that he thought he was traveling at about 25 or 30 miles per hour when he approached the traffic signal. In reply to a question as to whether he thought he could have stopped the ambulance within a reasonable distance, say, 30 to 40 feet, he replied that he could but that he was stricken with fear and lost his head. His patient, the Civilian Conservation Corps enrollee, who was riding with him on the front seat, corroborated the driver's testimony as to the manner in which the accident occurred, and when asked whether he thought the accident could have been avoided, replied that he did not think it could; "it all happened so fast and was caused by these two boys on a bicycle."

Before the trip in question, the ambulance was inspected by the motor transportation officer at Camp Galesburg, SCS-13 (Ill), Galesburg, Ill., and found to be in good, serviceable condition with the exception of the battery being low. Upon examination after the accident, the steering gear and brakes appeared to be somewhat defective, but this condition may have resulted from the ambulance's running up onto the sidewalk, since there were indications that it had struck the concrete railing of the bridge on the north side and that the left wheels had run along the walk.

The investigating officer found that the accident was the result of failure on the part of the driver to exercise proper and complete control of his vehicle when making the turn.

No claim has been filed with the War Department growing out of this accident.

It is the view of the War Department that the evidence adduced in this case establishes the fact that the accident was proximately caused by reason of failure on the part of the Government driver to maintain proper control of his vehicle when rounding the curve and to reduce his speed immediately upon sighting the children in front of him.

Therefore, as above stated, the Department, while not prepared to pass upon the exact amount that should be allowed to Mr. Schroeder under the circumstances will interpose no objection to legislation compensating him for his daughter's injuries in such amount as the Congress may deem proper.

Sincerely yours,

HENRY L. STIMSON,
Secretary of War.

LIBERTYVILLE, ILL., March 6, 1941.

Doris Schroeder, Prairie View, Ill., age 11, was brought into the hospital, by ambulance, on August 29, 1940, at 3:30 p. m. She was suffering from traumatic shock. Examination revealed swelling of the left upper and lower eyelids with contusion above the left eye; numerous abrasions about the face. It was almost impossible to open the left eye. The neck was negative at this time.

Chest: Numerous abrasions and contusions of the chest both anterior and posterior. Lungs and heart were negative except for rapid heart beat.

Abdomen: Numerous abrasions and contusions of abdomen; no rigidity or tenderness noted.

Extremities: Contusions of both arms and hands. Fracture of the left humerus at the junction of lower and middle third, with bone sticking through the flesh.

Legs: Numerous contusions and lacerations of the legs with a large 4-inch laceration in the left groin.

X-ray report, August 30, 1940: A left lateral stereo of the skull shows three linear fracture lines: One through both the anterior and posterior walls of the frontal sinus; the second in the left frontal extending from the upper lateral orbital margin some 5 cm. toward the parietal; and the third, a short line about 1 inch above the second near the frontal-parietal suture line. No depression is noted in any of these fractures.

In this stereo the odontoid process appears to be fractured; it was impossible to verify this by an a. p. view through the mouth as patient would not cooperate.

The left humerus has a complete transverse fracture at the middle third with a somewhat marked angulation and a mild overriding.

X-ray report, September 9, 1940: A check at this time, taken with applied extension shows an overriding of one-half inch in the lateral view. The general alinement of the humerus is good.

X-ray report, September 18, 1940: A recheck today shows no change compared to previous view, but callus is definitely in evidence now.

X-ray report, September 27, 1940: Callus bridging between the ends of fragments is established, however its appearance suggests further immobilization. The overriding has not changed.

Condition considered serious at the time. Although there was gradual improvement, for about 2 weeks she knew little or nothing about what was going on, and nothing about her surroundings. After about 2 weeks she began to notice things about the room and realized she was in the hospital.

During the next 2 weeks there was gradual improvement and on October 3 she was able to go home. Since that time improvement has continued and she has regained complete use of the left arm, but she has a loss of smell and taste for certain foods which do not seem to improve, and she has not completely regained her strength to the extent that she can go to school. At the present time she has been advised to stay at home and rest a certain period each day. Still under my care and probably will be for the next several months. I see her every 2 weeks and have since the accident.

Prognosis: Complete recovery is still in doubt.

Diagnosis: Traumatic shock, skull fracture, compound fracture left humerus, multiple contusions and abrasions of entire body, and deep laceration of the left groin.

C. O. EDWARDS, M. D.

Subscribed and sworn to before me this 6th day of March 1941.

[SEAL]

ARNETTA CHALLANS,
Notary Public.

My commission expires March 9, 1943.

CHICAGO, March 7, 1941.

To Whom It May Concern:

This is to certify that on January 18, 1941, I did a complete eye examination and subjective tests for smell and taste on Doris Schroeder and find as follows:

- (1) Complete loss of sense of smell.
- (2) Partial loss of sense of taste.
- (3) No refractive loss.

Sincerely yours,

ALBERT H. JENKINS, M. D.

Subscribed and sworn to before me this 11th day of March 1941.

[SEAL]

ARNETTA CHALLANS,
Notary Public.

My commission expires March 9, 1943.

LIBERTYVILLE, ILL., March 14, 1941.

To Whom It May Concern:

Re: Doris Schroeder, Prairie View, Ill.

When I was called on the case the condition of patient appeared critical, and during my stay, which was 9 days, patient seemed semiconscious and apparently irrational.

MABEL LAYCOCK, R. N.

Subscribed and sworn to before me this 21st day of March, 1941.

[SEAL]

ARNETTA CHALLANS,
Notary Public.

My commission expires March 9, 1943.

LIBERTYVILLE, ILL., March 7, 1941.

STATE OF ILLINOIS,

County of Cook, ss:

This is to certify that I saw Doris Schroeder on August 29, 1940, in consultation with Dr. C. O. Edwards. Subsequently I saw her several times during the next few weeks. I have read the report of Dr. Edwards, dated March 6, 1940, and am in agreement with his findings and diagnosis.

This patient was in an extremely critical condition for several days after admission to the hospital and I believe that the extent of her recovery is very good considering the seriousness of her condition upon admission.

M. D. PENNEY, M. D.

Subscribed and sworn to before me this 11th day of March A. D. 1941.

[SEAL]

ARNETTA CHALLANS, Notary Public.

My commission expires March 9, 1943.

STATE OF ILLINOIS,

County of Cook, ss:

I was called on the case of Doris Schroeder, September 11, 1940. The patient was in a critical condition, suffering from fractures of skull and left arm and bodily injuries.

I remained on the case from September 11 to October 3 when the patient was discharged from the hospital.

THERESA C. DECKER, R. N.

Subscribed and sworn to before me this 11th day of March 1941.

[SEAL]

ARNETTA CHALLANS, Notary Public.

My commission expires March 9, 1943.

Nursing service to Doris Schroeder, September 6th and 7th, \$14.

MABEL LAYCOCK.

SEPTEMBER 8, 1940.

DORIS SCHROEDER.

To S. Olson, R. N., for nursing services rendered September 8, 1940, \$7.

Received payment September 9, 1940.

S. OLSON.

SEPTEMBER 11, 1940.

Mr. ERNEST SCHROEDER.

To Mrs. Bernice Davis, R. N., Waukegan, Ill., for professional services rendered from September 5, 1940, to September 12, 1940.

Sept. 5 to Sept. 8, 3 days, at \$7----- \$21

Sept. 8 to Sept. 12, 4 days, at \$8----- 32

Total----- 53

Paid Sept. 11, 1940.

B. D.

SEPTEMBER 18, 1940.

Services rendered for Doris Schroeder from September 11, 1940, to September 18, 1940, rate of \$7 per day, for 7 days, total, \$49.

Paid September 19, 1940.

B. D.

SEPTEMBER 24, 1940.

Miss DOROTHY SCHROEDER:

To Theresa C. Decker, R. N., Prairie View, Ill., for nursing services rendered from September 11 to September 24, 1940, 13 nights at \$7, \$91.

Received payment.

THERESA C. DECKER.

OCTOBER 3, 1940.

Miss DOROTHY SCHROEDER:

To Theresa C. Decker, R. N., Prairie View, Ill., for nursing services rendered from September 24 to October 3, 1940, 9 days (20-hour duty) at \$8, \$72.

Received payment.

THERESA C. DECKER.

CHICAGO, ILL., January 18, 1941.

DORIS SCHROEDER,
Prairie View, Ill:

For professional services, \$3. Eye examination.
Paid in full.

A. H. JENKINS, M. D.

CONDELL MEMORIAL HOSPITAL

LIBERTYVILLE, ILL., March 6, 1941.

Mr. ERNEST SCHROEDER, *Prairie View, Ill.*

Services rendered Doris Schroeder from Aug. 29 to Oct. 3, 1940:

Room and board, Aug. 29 to Oct. 3.....	\$196. 00
Surgical supplies.....	3. 50
X-rays.....	49. 00
Laboratory.....	2. 00
Board of special nurses.....	51. 00
Drugs.....	22. 10
Dressings.....	22. 30
Total.....	345. 90

STATE OF ILLINOIS,

County of Cook, ss:

Ernest Schroeder and Margaret Schroeder, being first duly sworn, on oath, depose and state:

That we are the parents of Doris Margaret Schroeder, who was seriously injured on August 29, 1940, at U. S. Route No. 45 and State Highway No. 22 in Half Day, Ill., for whom House bill No. 3142 was introduced on February 6, 1941, and referred to the Committee on Claims for settlement of all claims against the United States Government arising out of the injuries sustained by their minor daughter, Doris M. Schroeder, while standing on the sidewalk over the Indian Creek bridge at aforesaid intersection, by a United States Army ambulance driven by one Frank Stodnick, an enrollee in the Civilian Conservation Corps.

Affiants further depose and state that their daughter, Doris M. Schroeder, left their home at about 1:30 p. m. on August 29, 1940, in the company of Barbara Frances Farner (who was killed), Eleanore Farner, and Peggy Courtney; that each was riding a bicycle; that they rode to the Half Day Grammar School where they obtained lists of their new schoolbooks from Richard Whitacre, the school principal; that they returned to the home of affiants around 2:45 p. m. and had some refreshments; that Peggy Courtney remained at their home listening to the radio; that Barbara F. Farner, Eleanore Farner, and Doris M. Schroeder, daughter of affiants, left our home with their bicycles, proceeding on the sidewalk, and stopped on the sidewalk over the Indian Creek Bridge, which is just about 800 feet from the home of affiants; that around 3 o'clock affiants heard a crash; that the first time they learned their Doris was injured was when affiant, Margaret Schroeder, met Eleanore Farner at the entrance of their home, who informed her that something terrible had happened; that affiant, Margaret Schroeder, became faint and did not learn of her daughter's serious condition until around 1:30 o'clock a. m. on August 30, 1940.

Affiants further state that Doris M. Schroeder was 11 years of age at the time of aforesaid accident; that she was in good physical condition prior thereto and was in the seventh grade at the Half Day Grammar School; that since the date of aforesaid accident she has been unable to attend school by reason of the injuries sustained by her.

Affiants further state that at the time of the accident, the weather conditions were ideal; it was a bright, clear, sunny day; the pavement and sidewalk was dry; that the bicycles belonging to the little girls were completely demolished.

Affiants further state that they have expended the sum of \$1,300 to date for hospital and medical bills; that they will be required to expend further sums for medical services and they are advised it may take 2 years or more, with a possibility that their daughter, Doris M. Schroeder, sustained permanent injuries by reason of the aforesaid accident.

ERNEST SCHROEDER.

MARGARET E. SCHROEDER.

Subscribed and sworn to before me this 25th day of March A. D. 1941.

[SEAL]

ARNETTA CHALLANS, *Notary Public*.

My commission expires March 9, 1943.

STATE OF ILLINOIS,

County of Cook, ss:

Doris Margaret Schroeder, being first duly sworn, on oath, deposes and says: That I reside at rural route No. 1, Prairie View, Ill.; that I am 12 years of age, being born on September 30, 1928, and that I attended the grammar school at Half Day, Ill.

That on August 29, 1940, around 1:30 o'clock in the afternoon, Barbara Frances Farner, Eleanore Farner, Peggy Courtney, and myself left my home on our bicycles and went to the school at Half Day where we talked to Mr. Richard Whitacre, the school principal, and obtained a list of our new books; that we rode back to my home where we drank some orangeade; that Peggy Courtney remained at my home listening to the radio; and Barbara Frances Farner, Eleanore Farner, and myself went over to the bridge over the Indian Creek, which is about one-half block from my house, and as we were standing on the sidewalk over the bridge leaning against the railing and looking into the waters of the creek we were struck by something which I later learned was an Army ambulance; and the next thing I remember was awaking in the Elizabeth Condell Memorial Hospital at Libertyville, Ill., where I remained for 5 weeks.

DORIS MARGARET SCHROEDER.

Subscribed and sworn to before me this 25th day of March A. D. 1941.

[SEAL]

ARNETTA CHALLANS, *Notary Public*.

My commission expires March 9, 1943.

STATE OF ILLINOIS,

County of Cook, ss:

Irving Jacobsen, being first duly sworn, on oath deposes and says:

That this affidavit is made for the purpose of supporting evidence in order to induce the United States Government to settle claims arising out of the death of one Barbara Frances Farner, minor daughter of Fred Farner, and injuries sustained by one Doris Margaret Schroeder, minor daughter of Ernest Schroeder, on August 29, 1940, when they were struck while standing on a sidewalk in Half Day, Lake County, Ill., by a United States Government ambulance driven by an enrollee of the Civilian Conservation Corps.

That I am 17 years of age and am employed by O. C. Anderson at Prairie View, Ill.

That on August 29, 1940, at about 3 o'clock in the afternoon, I was riding on the handle bars of a bicycle driven by Richard Sibley; as we approached the intersection of United States Highway 45 and State Highway 22, we saw Barbara F. Farner, Eleanore Farner, and Doris M. Schroeder standing on the sidewalk over the Indian Creek Bridge on the right side of the road, and we were on the left; Richard Sibley and affiant spoke to the girls as we passed them; we were about 5 feet off the shoulder of the road when I saw an Army ambulance going around the turn; I did not see it until it was about 10 or 15 feet in front of me, going at fast rate of speed. The next thing I saw, the driver of the ambulance hit the bridge and struck the girls who were still standing on the sidewalk over the bridge in the same position that I first saw them. I jumped off the bicycle and hollered for someone to call an ambulance; I saw Eleanore Farner running toward us and she was crying.

At that time a crowd began to gather. I spoke to Richard Whitacre, who was at the scene of the accident, and discussed the manner of the accident with him. I then saw the girls placed in an ambulance and driven away.

I further state that thereafter the sheriff came and questioned me and took my name and address. I helped carry the little girls' bicycles, which were completely destroyed, to the Weber's filling station, which is adjacent to routes 45 and 22.

I further state that I have driven a car or automobile since I was 13 and 14 years and can judge the speed of a car and at the time of the accident, in my opinion, the Army ambulance was speeding at about 30 to 35 miles per hour when I first observed it. We were never out in the road or the cause of this Army ambulance pulling out of its line of direction to cause such an accident and in my opinion, the driver of the ambulance was negligent in going at that rate of speed and is responsible for the death and injuries sustained by the young ladies as aforesaid.

I further state that August 29, 1940, was a clear bright sunshiny day and the sidewalk and pavement was dry.

IRVING JACOBSEN.

Subscribed and sworn to before me this 25th day of March A. D. 1941.

[SEAL]

ARNETTA CHALLANS, *Notary Public*.

My commission expires March 9, 1943.

STATE OF ILLINOIS,

County of Cook, ss:

Arthur Ward, being first duly sworn, on oath, deposes and states:

That I live at Deerfield, Ill., and am 27 years of age.

That on August 29, 1940, at about 3 o'clock in the afternoon I was about 200 feet from the intersection of routes U S 45 and State Highway 22; that I heard a crash and immediately walked out to the scene of the accident and upon looking out, crossed the service station driveway and came to the pavement and saw a bicycle laying there and two girls were lying on the pavement, one on the pavement and the other on the shoulder toward the east end of the bridge over the Indian Creek; I later learned they were Barbara F. Farner, who was killed, and Doris M. Schroeder who was seriously injured; that the ambulance was backed up to where the girls were lying and I remember them turning the ambulance around, that a man got from behind the driver's wheel and lifted the hood on the Army ambulance and tinkered with the governor; that quite a crowd gathered around the scene of the accident and the injured girls were driven to the hospital at Libertyville, Ill.

Affiant further deposes and states that August 29, 1940, was a very warm, clear, hot day; the sun was shining and the pavement dry.

ARTHUR WARD.

Subscribed and sworn to before me this 25th day of March 1941.

[SEAL]

ARNETTA CHALLANS, *Notary Public*.

My commission expires March 9, 1943.

STATE OF ILLINOIS,

County of Cook, ss:

Melvin Marcott, being first duly sworn, on oath deposes and states:

That I am 27 years of age; that I reside at Half Day, Lake County, Ill.; that I operate a highway garage and repair shop in Half Day, Ill.

That on August 29, 1940, at around 3 o'clock in the afternoon, I was working in my shop which is located on the southeast corner of United States Highway No. 45 and State Highway No. 22 at Half Day; that I heard a crash, which seemed to be in a northeasterly direction from my shop; that I ran to the scene of the accident; that I arrived there about a minute later and saw two little girls, which I later learned were Barbara F. Farner and Doris M. Schroeder lying on the ground, one was on the pavement and the other off on the shoulder of the road; that I noticed a pile of tangled bicycles at the bridge and a United States Army ambulance driven by one Frank Stodnick, an enrollee of the Civilian Conservation Corps; that after the accident I noticed tire marks on the bridge where the ambulance struck the railing; that I noticed one of the men from the Army ambulance lift the front hood of the ambulance and was looking under it; that I helped put the little girls in the ambulance; that Frank Holtje and I were on the

rear step and the driver and another Civilian Conservation Corps enrollee got in the front seat of the ambulance and drove toward the Elizabeth Condell Memorial Hospital at Libertyville, Ill.; that after proceeding to the hospital for about 2 miles, we noticed a Dugan ambulance coming from Libertyville; that we signaled the driver, who stopped, and Barbara F. Farner was transferred to the Dugan ambulance and driven to the hospital.

That I observed heavy tire marks on the shoulder of the road and bridge rail where the accident took place.

Affiant further states that while proceeding to the hospital at Libertyville, I had a chance to observe the condition of the brakes on the Army ambulance and in my opinion based on my experience as a mechanic and garage man, the brakes and steering apparatus were in poor and faulty condition and were the cause of the accident which resulted in the death of Barbara Frances Farner and injuries sustained by Doris Margaret Schroeder as aforesaid. That the weather conditions were perfect and the pavement was dry.

MELVIN MARCOTT.

Subscribed and sworn to before me this 25th day of March A. D. 1941.

[SEAL]

ARNETTA CHALLANS, *Notary Public*.

My commission expires March 9, 1943.

STATE OF ILLINOIS,

County of Cook, ss:

Frank Holtje, being first duly sworn, on oath, deposes, and says:

That I am 51 years of age; that I reside at Half Day, Lake County, Ill.; that I am retired; that for the past 15½ years prior to the hereinafter described accident, I have been in the garage and service-station business at the southwest corner of United States Route No. 45 and State Highway No. 22.

That on August 29, 1940, at around 3 o'clock in the afternoon, affiant happened to be in the back yard of my home which is within a half a block from said intersection; that I heard a terrible crash; that I ran to the scene and observed two little girls lying on the pavement and a United States Army ambulance, which I learned was driven by Frank Stodnick, a Civilian Conservation Corps enrollee; that I recognized one of the girls as Doris Schroeder, but was not sure of the other until I was informed she was Barbara F. Farner; that there were freshly made tire marks where the ambulance struck the rail of the bridge, I would say about 25 feet from the west end of the bridge along the north side; that the girls were about 50 feet beyond those marks. The bridge is about 80 feet in length and the street is approximately 20 feet wide and the sidewalk where the girls were standing is about 4 feet in width.

Affiant further states that I arrived at the scene of the accident immediately after it took place; that when I arrived, there were about 10 other people there. The ambulance driver and I got there about the same time because after striking the bridge, the driver had to back the ambulance in the middle of the road perhaps 100 feet more or less. I assisted in placing the two girls in the United States Army ambulance; that as we were driving toward the Elizabeth Condell Memorial Hospital at Libertyville another ambulance met us on the road; that we signaled the driver of the on-coming ambulance and noticing that Barbara F. Farner was in a serious condition, she was transferred to the other ambulance and I continued the journey to the hospital on the United States Army ambulance with Doris M. Schroeder.

Affiant further states that the day on which the accident took place was a bright, clear, sunny day and the pavement and sidewalks were dry.

Affiant further states that as a garage man and service-station operator, while proceeding to the hospital with the injured I had an occasion to observe the brakes on the Army ambulance and in my opinion they appeared to be faulty and in poor working condition and the cause of the aforesaid accident.

FRANK L. HOLTJE.

Subscribed and sworn to before me this 21st day of March, A. D. 1941.

[SEAL]

ARNETTA CHALLANS, *Notary Public*.

My commission expires March 9, 1943.

STATE OF ILLINOIS,
County of Cook, ss:

Richard Sibley, being first duly sworn, on oath deposes and says:

That this affidavit is made for the purpose of supporting evidence in order to induce the United States Government to settle claims arising out of the death of one Barbara Frances Farner, minor daughter of Fred Farner, and injuries sustained by one Doris Margaret Schroeder, minor daughter of Ernest Schroeder, on August 29, 1940, when they were struck while standing on a sidewalk in Half Day, Lake County, Ill., by a United States Government ambulance driven by an enrollee of the Civilian Conservation Corps.

That I am 17 years of age and attend the Ela Township High School at Lake Zurich, Ill.

That on August 29, 1940, at about 3 o'clock in the afternoon, I was going in a westerly direction on State Highway No. 22 coming to the junction of United States Highway 45, just turning off at Route 22 and going into Weber's filling station, which is immediately south of Route 22 on the east side of Route 45; that I was driving a bicycle with Irving Jacobsen on the handle bars; as we approached the intersection of U S 45 and State Highway 22, we saw three little girls, with their bicycles, standing on the sidewalk over the Indian Creek bridge on the right side of the road, we were on the left; we spoke to them and just as I was turning off the road, I saw an Army ambulance which seemed to be going too fast to make the turn and slid on the gravel on the road turned off and hit the girls, which I later learned were Barbara F. Farner and Doris M. Schroeder; I got off my bicycle and hollered for somebody to call an ambulance, ran back and saw that the ambulance that struck the girls was down the road about 200 to 300 feet and saw two men running from the ambulance to the scene of the accident.

I first observed the ambulance when it was about 25 feet away from me and noticed that it was going too fast to turn the corner, that it swerved and struck the girls. At the time of the accident I was too nervous to offer any assistance, but afterward gave my name and made a statement to the sheriff. I was never out in the road or the cause of this Army ambulance pulling out of its course of direction to cause this accident and in my opinion the driver of the ambulance was the sole cause thereof and responsible for the death and injuries sustained by the young girls as aforesaid.

I further state that August 29, 1940, was a bright, clear, sun-shining day and the pavement and sidewalk was dry.

RICHARD SIBLEY.

Subscribed and sworn to before me this 21st day of March A. D. 1941.

[SEAL]

ARNETTA CHALLANS, Notary Public.

My commission expires March 9, 1943.

STATE OF ILLINOIS,
County of Cook, ss:

Richard Whitacre, being first duly sworn, on oath, deposes and states:

That this affidavit is made for the purpose of supporting evidence in order to induce the United States Government to settle claims arising out of the death of one Barbara Frances Farner, minor daughter of Fred Farner, and injuries sustained by one Doris Margaret Schroeder, minor daughter of Ernest Schroeder, on August 29, 1940, around 3 p. m., when they were struck while standing on a sidewalk over the Indian Creek bridge at Half Day, Ill., by a United States Government Army ambulance driven by Frank Stodnick, an enrollee of the Civilian Conservation Corps.

That I am 36 years of age, reside at Route No. 1, Libertyville, Lake County, Ill., and for the past 13 years I am principal of district school No. 103, at Half Day, Lake County, Ill., which is just adjacent to State Highway No. 22 and United States Highway No. 45.

That on said August 29, 1940, I was in the schoolyard helping John McLaughlin trim the bushes and trees; that prior to the hereinafter-described accident on said day, some little girls rode to the schoolyard where I was working; that each rode a bicycle; that I gave them some book slips and they headed out of the west drive and headed toward Prairie View first, a little later came by again and spoke to me, but continued to go toward Half Day; that thereafter around 3 o'clock in the afternoon on the aforesaid day, I noticed a United States Army ambulance,

brown or khaki in color with a red cross insignia on it, driving on Milwaukee Avenue (Route U S 45) going at an excessive rate of speed, which in my opinion was traveling between 55 and 60 miles per hour; that I first noticed this Army ambulance between Herrick's house and store, which is about 50 yards south of the intersection of State Highway 22 and United States Highway 45; that almost instantly, before I took a step, I heard a crash, but did not see the accident; upon hearing the crash, I ran out into the road and looked toward the above-mentioned intersection; I saw bicycles on the road; I jumped in my car and went down to the corner to Holtje's garage, parked there and ran across to where I saw two little girls lying on the pavement; the children were lying in the road to the east end of a cement bridge over Indian Creek on the north side of Route 22; that a Mr. Holtje was there; that I spoke to him and stated that the girls should be taken to a hospital; that Mr. Holtje said it might not be the thing to do that we might injure them further by picking them off the road and at that time the Army ambulance came up from the east side and one of the men stated they would take the girls to a hospital; that the girls were picked off the road and put in the Army ambulance and left the scene.

Affiant further deposes and states that at first he did not recognize the girls that were struck and asked one Richard Sibley, who was at the scene of the accident, who they were and learned they were Barbara F. Farner and Doris M. Schroeder, two of the little girls who spoke to me in the school yard just prior to the accident; I further noticed three bicycles laying in the middle of the road which were completely demolished. Affiant spoke to Richard Sibley and Irving Jacobson, who saw the accident, and inquired how the accident happened; that the boys stated the Army ambulance swerved around the corner and hit the girls. Thereafter there was some confusion; people were coming from all directions and the next thing I observed was this Army ambulance pulling around to the south side of the pavement and stop just beyond, possibly 12 or 15 feet from where Doris Schroeder lay; affiant further states that he observed one of the men from the Army ambulance had the hood up and was looking under it, but what he was doing I could not say.

Affiant further states that he observed Melvin Marcott assist one of the men in putting Barbara F. Farner on a stretcher and she was moved to the ambulance; Doris M. Schroeder was placed on the floor of the ambulance at Barbara's side; Melvin Marcott and Frank Holtje stood on the back step of the ambulance and they then departed in a northerly direction on United States Highway 45 intending to take the injured girls to the Elizabeth Condell Memorial Hospital at Libertyville, Ill.

Affiant further deposes and states that in my opinion at the time I saw this United States Army ambulance it was going between 55 and 60 miles per hour and thereafter within a period of 5 seconds or less, I heard the crash which resulted in the death of Barbara F. Farner and injuries to Doris M. Schroeder as aforesaid.

Affiant further deposes and says that August 29, 1940, was a bright, clear, sunny day and the pavement and sidewalk were dry.

Affiant further states that one Frank Stodnick, an enrollee of the Civilian Conservation Corps, was the driver of the Army ambulance and was en route to Fort Sheridan, Ill., at the time of the accident, according to his own testimony taken at the coroner's inquest held at Libertyville, Ill., on September 20, 1940, and it is affiant's opinion that he was the cause of the aforesaid accident through his careless and negligent driving.

RICHARD WHITACRE.

Subscribed and sworn to before me this 25th day of March A. D. 1941.

[SEAL]

ARNETTA CHALLANS, *Notary Public*.

My commission expires March 9, 1943.

OFFICE OF SHERIFF,
Lake County, Waukegan, Ill.

STATEMENT BY FRANK VALENTA, DEPUTY SHERIFF, LAKE COUNTY, REGARDING ACCIDENT INVOLVING UNITED STATES ARMY TRUCK AND TWO GIRL BICYCLISTS AT INTERSECTION OF ROUTE 22 AND 45 AT HALF DAY, LAKE COUNTY, ILL., AUGUST 29, 1940, AT 3:19 P. M., DAYLIGHT SAVING TIME, INVESTIGATED BY DEPUTIES FRANK VALENTA AND JULIAN CLAUDE, DEPARTMENT OF SHERIFF, LAKE COUNTY

On arriving at scene of accident to which we were directed by radiogram we were informed by bystanders and witnesses that two girls who were standing holding bicycles on the north walk of bridge spanning Indian Creek, had been struck by a United States Army ambulance truck and had been taken to hospital at Libertyville.

Investigation disclosed that this was a Chevrolet ambulance truck bearing numerals United States Army 5588 and driven by Frank Stodnick and accompanied by Ed. Plato, both from Company 2604 Civilian Conservation Corps Camp, Galesburg, Ill.

They were traveling north on Route 45 and made a right turn into Route 22; truck was evidently traveling too fast to make proper turn as according to tire and skid marks on the pavement, and on bridge walk, the vehicle partly skidded making the turn and traveled into the north traffic lane on Route 22 and up onto bridge walk for a distance of 30 feet where it struck the two girls holding their bicycles and dragged them 112 feet along north shoulder of Route 22 before truck was brought to a stop, the driver then turned truck around and he and Plato picked up the injured girls and loaded them into it and went to Condell Hospital.

One of the injured girls, a Barbara Farnar, age 10, of Half Day, Ill., died before reaching hospital, the other girl Doris Schroeder, age 11, Half Day, Ill., according to Dr. C. O. Edwards who attended her, sustained a compound fracture of left arm, a deep cut on left groin, and multiple body burns, and was in a serious condition.

On questioning the driver of the truck (Frank Stodnick) about the speed of the truck and the skid marks, he stated that the brakes were faulty and he could not slow up enough to make the turn properly; also that he saw two boys on the south side of Route 22 with bicycles and swerved to left to miss them.

These two boys, Richard Sibley, age 17, and Irving Jacobsen, age 15, of Prairie View, Ill., stated that they were standing on the gravel and asphalt portion of the filling station drive, and about 3 or 4 feet from the south edge of the pavement of Route 22 and were not standing on the pavement.

Another girl, Eleanor Farnar, Prairie View, Ill., who was also standing on the bridge walk with the other two girls, stated she saw the truck coming toward them on the bridge walk and she ran out of its path across the road and escaped injury.

It is my opinion, based on 17 years of service as highway policeman, that the truck must have traveled at 30 or 35 miles per hour when making the turn, otherwise it would not have skidded on the dry pavement were it moving slower.

Below is diagram [not printed] showing path of truck and where girls were standing on bridge walk when struck.

FRANK VALENTA.

Subscribed and sworn to March 21, 1941.

[SEAL]

JOSEPH V. MURPHY, Notary Public.

[H. Doc. No. 644, 77th Cong., 2d sess.]

To the House of Representatives:

I return herewith, without my approval, H. R. 3141, a bill for the relief of Fred Farnar, and Doris M. Schroeder.

The bill proposes to provide for the payment of the sum of \$3,000 to Fred Farnar, of Prairie View, Ill., as compensation for the death of his daughter, Barbara Farnar; and the sum of \$5,000 to the guardian of Doris M. Schroeder, of Prairie View, Ill., as compensation for personal injuries caused by a Government ambulance driven by an enrollee of the Civilian Conservation Corps.

The two girls, age 11 and 10, respectively, while standing on or near a sidewalk, were struck by an ambulance of the Civilian Conservation Corps, when its driver swerved the vehicle in their direction to avoid a collision with two boys on a

bicycle. It appears proper to ascribe responsibility for the lamentable accident to his failure to maintain proper control of the vehicle and to reduce its speed immediately upon seeing the children.

The proposed award of \$3,000 as compensation for the death of Barbara Farner appears reasonable.

On the other hand, the proposed payment of the sum of \$5,000 as compensation for personal injuries sustained by Doris Schroeder, seems excessive. While the little girl suffered severe injuries and was in a hospital for a number of weeks, and lost a year in school, nevertheless, an investigation recently made by representatives of the Government indicates that she returned to school last September and is pursuing the usual childhood activities. The report indicates that she is making a complete recovery and has not sustained any permanent injuries.

Out of the proposed payment of \$5,000, the sum of \$1,500 may be allocated to medical and hospital expenses, leaving a balance of \$3,500 for pain and suffering. While, as I have heretofore indicated in connection with other private bills, it is appropriate to make suitable compensation for pain and suffering, in this case an award of \$3,500 for this purpose would appear excessive. If the bill would have provided for a total payment of an amount not exceeding \$3,000, instead of \$5,000, to the guardian of Doris Schroeder, and thereby in effect awarding not more than the sum of \$1,500 for pain and suffering, it would have appeared unobjectionable.

I regret that under the circumstances, I feel constrained to withhold my approval from the present bill.

FRANKLIN D. ROOSEVELT.

The WHITE HOUSE, March 5, 1942.

H. R. 3141

SEVENTY-SEVENTH CONGRESS OF THE UNITED STATES OF AMERICA; AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON MONDAY, THE FIFTH DAY OF JANUARY, ONE THOUSAND NINE HUNDRED AND FORTY-TWO

AN ACT For the relief of Fred Farner, and Doris M. Schroeder

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred Farner, Prairie View, Illinois, the sum of \$3,000 for the death of his daughter Barbara Frances Farner, a minor, who was killed on August 29, 1940, and to the legal guardian of Doris M. Schroeder, of Prairie View, Illinois, the sum of \$5,000 for personal injuries sustained on August 29, 1940, in full settlement of all claims against the United States, when they were struck while standing on a sidewalk in Half-Day, Illinois, by a United States Government ambulance driven by an enrollee of the Civilian Conservation Corps: *Provided*, That no part of the amount appropriated in this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

SAM RAYBURN,

Speaker of the House of Representatives.

H. A. WALLACE,

Vice President of the United States and President of the Senate.

[Endorsement on back of bill:]

I certify that this Act originated in the House of Representatives.

SOUTH TRIMBLE, Clerk.

By H. NEWLIN MEGILL.